

PUBLIC CHAPTER NO. 484

SENATE BILL NO. 2222

By Kyle, Marrero

Substituted for: House Bill No. 2271

By Odom

AN ACT to amend Tennessee Code Annotated, Title 55; Title 65 and Title 67, relative to taxation, titling and registration.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-1-111, is amended by deleting subsections (1), (2) and (3) in their entirety and by substituting instead the following new subsections:

As used in Chapters 1 through 6 of this title; unless otherwise indicated or unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of Revenue;
and

(2) "Department" means the Department of Revenue.

SECTION 2. Tennessee Code Annotated, Section 55-2-101, is amended by deleting the language therein in its entirety and by substituting instead the following new language:

Except as otherwise specifically provided by law, Chapters 1 through 6 of this title shall be administered by the Commissioner of Revenue.

SECTION 3. Tennessee Code Annotated, Section 55-2-105, is amended by deleting the word "division" in the first sentence of subsection (a) and wherever it may appear in subsection (b) and by substituting instead the word "department" in each instance.

SECTION 4. Tennessee Code Annotated, Section 55-2-106, is amended by deleting the words "commissioners of safety and revenue" and by substituting instead the word "commissioner".

SECTION 5. Tennessee Code Annotated, Section 55-2-107, is amended by deleting the word "division" wherever it may appear in the section and by substituting instead the word "department" in each instance.

SECTION 6. Tennessee Code Annotated, Section 55-2-108, is amended by deleting the language of the section in its entirety and by substituting instead the following:

(a) The department is hereby authorized to take possession of any certificate of title, certificate of registration, permit or license or license plate issued by the department or by any county clerk, if such document or plate is fictitious, has been issued in error or unlawfully, contains erroneous information, or has been ordered revoked, cancelled or suspended by a court of competent jurisdiction.

(b) An action by the commissioner with regard to subsection (a) above or an action by the commissioner in issuing or refusing to issue any certificate of registration, permit, license or license plate shall be reviewed in the manner provided for in § 67-1-105 and Title 4, Chapter 5, Part 3; provided, that the party aggrieved thereby makes a written request for a formal hearing under the Uniform Administrative Procedures Act within ten (10) days of the action complained of.

SECTION 7. Tennessee Code Annotated, Section 55-2-109, is amended by deleting the language therein in its entirety and by substituting instead the following new language:

If the Commissioner of Safety publishes a synopsis or summary of the laws of this state regulating the operation of vehicles, and provides copies of such published synopsis or summary to the Commissioner of Revenue, and requests that a copy be delivered with each certificate of title, the Commissioner of Revenue shall do so without charge.

SECTION 8. Tennessee Code Annotated, Section 55-2-110, is amended by deleting the word "division" wherever it may appear in the first sentence of subsection (a) and by substituting instead the word "department" in each instance.

SECTION 9. Tennessee Code Annotated, Section 55-2-111, is amended by deleting the word "division" wherever it may appear in the section and by substituting instead the word "department" in each instance.

SECTION 10. Tennessee Code Annotated, Section 55-2-112, is amended by deleting the word "division" in the first two (2) sentences thereof and by substituting instead the word "department" in each instance;

and is further amended by deleting the words "The division and the department" in the last sentence thereof and by substituting instead the words "The Department of Revenue and the Department of Safety".

SECTION 11. Tennessee Code Annotated, Section 55-3-103, is amended by deleting the word "division" in the first sentence of subsection (a) and by substituting instead the word "department";

and is further amended by deleting the word "division" in subdivision (4) of subsection (a) and by substituting instead the word "department";

and is further amended by deleting the word "division" in the first sentence of subsection (d) and by substituting instead the word "department";

and is further amended by deleting the words "motor vehicle division" in the last sentence of subsection (d) and by substituting instead the word "department".

SECTION 12. Tennessee Code Annotated, Section 55-3-103(e)(2), is amended by adding the following immediately preceding the period in the first sentence of said subdivision:

and the county clerk shall issue a license plate to the applicant upon acceptance by the county clerk of said submitted documents and payment of the appropriate fees

SECTION 13. Tennessee Code Annotated, Section 55-3-103(a), is amended by deleting the language "applicant, and every such application shall bear the signature of the owner written with pen and ink and contain:" and by substituting instead the following language:

applicant. Every such application shall bear the signature of the owner written with pen and ink; provided, however, that in the case of a licensed motor vehicle dealer only, in lieu of such signature the application may be accompanied by a valid power of attorney executed by the owner on a form prescribed by the commissioner granting the licensed motor vehicle dealer authority to sign the application on behalf of the owner. Every such application shall contain:

SECTION 14. Tennessee Code Annotated, Section 55-3-104, is amended by deleting the word "division" wherever it may appear in the first sentence of subsection (b) and by substituting instead the word "department" in each instance.

SECTION 15. Tennessee Code Annotated, Section 55-3-110, is amended by deleting the word "division" and by substituting instead the word "department".

SECTION 16. Tennessee Code Annotated, Section 55-3-111, is amended by deleting the word "division" each place that it appears and by substituting instead the word "department" in each instance.

SECTION 17. Tennessee Code Annotated, Section 55-3-112, is amended by deleting the word "division" in the first sentence thereof and in subsections (1) and (2) and by substituting instead the word "department" in each instance.

SECTION 18. Tennessee Code Annotated, Section 55-3-113, is amended by deleting the language therein in its entirety and substituting instead the following new language:

An action of the commissioner in issuing or refusing to issue any certificate of title, in discharging or refusing to discharge any lien, and in issuing or refusing to issue any replacement certificate of title applied for shall be reviewed in the manner provided for in § 67-1-105 and Title 4, Chapter 5, Part 3; provided, that the party aggrieved thereby makes a written request for a formal hearing under the Uniform Administrative Procedures Act within ten (10) days of the action complained of.

SECTION 19. Tennessee Code Annotated, Section 55-3-114, is amended by deleting the word "division" in subsection (a) and in the first sentence of subdivision (b)(4) and by substituting instead the word "department" in each instance;

and is further amended by deleting the words "of safety" in subsection (e).

SECTION 20. Tennessee Code Annotated, Section 55-3-115, is amended by deleting the word "division" in subsections (a) and (b) and by substituting instead the word "department" in each instance.

SECTION 21. Tennessee Code Annotated, Section 55-3-120, is amended by deleting the words "division of motor vehicles" in subsection (c) and by substituting instead the word "department".

SECTION 22. Tennessee Code Annotated, Section 55-3-121, is amended by deleting the word "division" in subsection (a) and by substituting instead the word "department".

SECTION 23. Tennessee Code Annotated, Section 55-3-122, is amended by deleting the word "division" wherever it appears and by substituting instead the word "department" in each instance.

SECTION 24. Tennessee Code Annotated, Section 55-3-123, is amended by deleting the word "division" wherever it appears in the section and by substituting instead the word "department" in each instance.

SECTION 25. Tennessee Code Annotated, Section 55-3-124, is amended by deleting the word "division" wherever it appears in subsection (a) and by substituting instead the word "department" in each instance;

and is further amended by adding the following as new subsection (c):

(c) Notwithstanding any provision of this section to the contrary, the assignor in a Multiple Vehicle Lien Assignment may assign the security interest or lien on the related motor vehicles to a person other than the owner, without the consent and without affecting the interest of such owner. The provisions of subsection (a) of this section shall not apply to a Multiple Vehicle Lien Assignment. The assignee in a Multiple

Vehicle Lien Assignment may, but need not in order to perfect the assignment or continue the perfected status of the assigned security interest or lien against creditors of and transferees from the owner, have the certificate of title endorsed or issued with the assignee named as holder of a security interest or lien upon delivering to the department the certificate and assignment by the holder of a security interest or lien named in the certificate in the form the department prescribes. If the assignment refers to a security interest or lien that is reflected on the certificate of title and the certificate of title is in the possession of the first security interest holder or lienholder as provided by this chapter, the assignee may, but need not in order to perfect the assignment or continue the perfected status of the assigned security interest or lien against creditors of and transferees from the owner, have the certificate of title endorsed by complying with the provisions of § 55-3-123. However, any person without notice of the assignment shall be protected in dealing with the assignor, and the assignor shall remain liable for any obligations as holder of the security interest or lien until the assignee is named as the holder of the security interest or lien on the certificate of title. For purposes of this subsection (c), the term "Multiple Vehicle Lien Assignment" shall mean any transaction, or series of related transactions, in which security interests or liens are assigned on more than fifty (50) motor vehicles, whether or not any or all of such motor vehicles are owned by or registered to residents of Tennessee or covered by certificates of title issued by the State of Tennessee.

SECTION 26. Tennessee Code Annotated, Section 55-3-126(b), is amended by deleting the words "division of motor vehicles" in the first sentence of subdivision (1) and by substituting instead the word "department";

and is further amended by deleting the word "division" wherever it appears in the second sentence of subsection (c) and by substituting instead the word "department" in each instance.

SECTION 27. Tennessee Code Annotated, Section 55-3-127, is amended by deleting the word "division" in subsection (c) and by substituting instead the word "department";

and is further amended by deleting the words "sales and use tax division" in subsection (h) and by substituting instead the words "department for sales and use tax purposes".

SECTION 28. Tennessee Code Annotated, Section 55-3-138, is amended by deleting the words "of safety" in subsection (a).

SECTION 29. Tennessee Code Annotated, Section 55-3-201, is amended by deleting the word "division" in subsection (a) and by substituting instead the word "department";

and is further amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Any person, who has rebuilt a motor vehicle for which the certificate of title or other ownership documents have been surrendered and a salvage title, flood title, or nonrepairable vehicle certificate has been issued in accordance with the rules promulgated by the department, prior to the sale of such vehicle to another, shall make application to the local county clerk or directly to the department for a new certificate of title. The application for certificate of title must be supported by the salvage title and evidence of ownership and reconstruction satisfactory to the commissioner. The person rebuilding or having a motor vehicle rebuilt may apply for a certificate of title.

SECTION 30. Tennessee Code Annotated, Section 55-3-207, is amended by deleting the words "division of motor vehicles" in subsection (a) and by substituting instead the word "department".

SECTION 31. Tennessee Code Annotated, Section 55-3-208, is amended by deleting the words "of safety" wherever they appear in the first sentence of subsection (a).

SECTION 32. Tennessee Code Annotated, Section 55-3-211, is amended by deleting subdivision (1) in its entirety and by renumbering the remaining subdivisions accordingly.

SECTION 33. Tennessee Code Annotated, Section 55-3-212(b)(8)(B), is amended by deleting the words "sales and use tax division" in subparagraph (ii)(a) and by substituting instead the words "department for sales and use tax purposes";

and is further amended by deleting the words "state passenger motor vehicle titling office" in subsection (b)(8)(C)(i) and by substituting instead the word "department".

SECTION 34. Tennessee Code Annotated, Section 55-4-101, is amended by deleting the words and punctuation ", within the discretion of the commissioner, apply directly to the division" in the last sentence of subsection (c) and by substituting instead the words "apply to the department";

and is further amended by deleting the words "of safety" in the last sentence of subsection (d);

and is further amended by deleting the words "of safety" wherever they appear in subdivisions (1) and (2) of subsection (l).

SECTION 35. Tennessee Code Annotated, Section 55-4-106, is amended by deleting the word "division" in the first sentence thereof and by substituting instead the word "department".

SECTION 36. Tennessee Code Annotated, Section 55-4-113(a)(7), is amended by deleting the words "of safety" in the first sentence in subdivision (H);

and is further amended by deleting the third sentence in subdivision (H) in its entirety.

SECTION 37. Tennessee Code Annotated, Section 55-4-115(a), is amended by deleting the words "motor vehicle division" in subdivision (9) and by substituting instead the words "the department's".

SECTION 38. Tennessee Code Annotated, Section 55-4-119, is amended by deleting the words "of safety" in the first sentence of subsection (d);

and is further amended by deleting the word "division" in the last sentence of subsection (d)(2) and by substituting instead the word "department".

SECTION 39. Tennessee Code Annotated, Section 55-4-127, is amended by deleting the words "motor vehicles division and the department of safety" in the first sentence of subsection (c) and by substituting instead the word "department".

SECTION 40. Tennessee Code Annotated, Section 55-4-132, is amended by deleting the words "of safety" in subsections (d) and (e).

SECTION 41. Tennessee Code Annotated, Section 55-4-133, is amended by deleting the words "of safety" in the first and last sentences of the section.

SECTION 42. Tennessee Code Annotated, Section 55-4-201, is amended by deleting the words "department of safety's" in the first sentence of subsection (i) and by substituting instead the word "department's".

SECTION 43. Tennessee Code Annotated, Section 55-4-202(c)(5)(C), is amended by deleting the words "of safety" in subparagraph (vi).

SECTION 44. Tennessee Code Annotated, Section 55-4-205, is amended by deleting the words "of safety" in subsection (a).

SECTION 45. Tennessee Code Annotated, Section 55-4-208, is amended by deleting the words "of safety" appearing therein.

SECTION 46. Tennessee Code Annotated, Section 55-4-210, is amended by deleting the words "of safety" in the first sentence of subsection (a);

and is further amended by deleting the words "of safety" in subdivision (d)(1).

SECTION 47. Tennessee Code Annotated, Section 55-4-212, is amended by deleting the words "of safety" appearing therein.

SECTION 48. Tennessee Code Annotated, Section 55-4-220(a), is amended by deleting the words "director of the titling and registration division and the commissioner of safety" in subdivision (3) and by substituting instead the

words "commissioner and the department's taxpayer and vehicle services director";

and is further amended by deleting the words "of safety" in subdivision (9).

SECTION 49. Tennessee Code Annotated, Section 55-4-223(a), is amended by deleting the words "of safety" in subdivision (1)(A) and in subdivision (3).

SECTION 50. Tennessee Code Annotated, Section 55-4-228, is amended by deleting the words "registrar of motor vehicles" in the first sentence of subsection (b) and by substituting instead the word "commissioner";

and is further amended by deleting the words "director of the titling and registration division" in the first sentence of subsection (b) and by substituting instead the words "department's taxpayer and vehicle services division director";

and is further amended by deleting the word "registrar" in the second sentence of subsection (b) and by substituting instead the word "commissioner".

SECTION 51. Tennessee Code Annotated, Section 55-4-231, is amended by deleting the words "of safety" in subsection (c).

SECTION 52. Tennessee Code Annotated, Section 55-4-236, is amended by deleting the words and punctuation "of safety, or any other department having jurisdiction," in the first sentence of subsection (a).

SECTION 53. Tennessee Code Annotated, Section 55-4-237(a), is amended by deleting the words and punctuation "of safety, or any other department or agency of the state having jurisdiction," in the first sentence of subdivision (1).

SECTION 54. Tennessee Code Annotated, Section 55-4-239, is amended by deleting the words "in consultation with the director of the division of motor vehicles and the department" in the first sentence of subsection (b) and by substituting instead the words "by the commissioner in consultation with the department's taxpayer and vehicle services director".

SECTION 55. Tennessee Code Annotated, Section 55-4-244, is amended by deleting the words "of safety" in subsection (b);

and is further amended by deleting the language in the first sentence of subsection (d)(1) in its entirety and by substituting instead the following new language:

All applications pursuant to this section shall contain such information as the commissioner shall require to prove eligibility for issuance of a license plate pursuant to this section; provided that, notwithstanding any law to the contrary, a retired member of the United States military or the United States military reserves shall be required to

submit retirement status documentation only upon initially applying for registration plates under this section and subsequent registration plates under this section shall be issued to such person without the repeated presentation of retirement status documentation.

and is further amended by deleting the word "safety" in subsection (e) and by substituting instead the word "revenue".

SECTION 56. Tennessee Code Annotated, Section 55-4-253(b), is amended by deleting the language therein in its entirety and by substituting instead the following new language:

The application for such registration plates shall be accompanied by orders or a statement of discharge from the appropriate branch of the United States Armed Forces, classifying the applicant as an honorably discharged veteran; provided that, notwithstanding any law to the contrary, an honorably discharged veteran of the United States Armed Forces shall be required to submit documentation of honorable discharge status only upon initially applying for registration plates under this section and subsequent registration plates under this section shall be issued to such person without the repeated presentation of honorable discharge status documentation.

Tennessee Code Annotated, Section 55-4-253(c), is further amended by deleting the word "safety" in the first sentence of subdivision (8) and by substituting instead the word "revenue";

and is further amended by deleting the word "safety" in the first sentence of subsection (d) and by substituting instead the word "revenue";

and is further amended by deleting the word "safety" in the first sentence of subdivision (9) and in the first sentence of subdivision (10) and by substituting instead the word "revenue" in each instance.

SECTION 57. Tennessee Code Annotated, Section 55-4-268, is amended by deleting the words "of safety" in subsection (c).

SECTION 58. Tennessee Code Annotated, Section 55-4-272, is amended by deleting the words "of safety" in subsections (c), (d) and (g);

and is further amended by deleting the word "safety" in subsection (e) and by substituting instead the word "revenue".

SECTION 59. Tennessee Code Annotated, Section 55-4-273, is amended by deleting the words "of safety" in subsection (b).

SECTION 60. Tennessee Code Annotated, Section 55-4-274, is amended by deleting the word "safety" in subsection (c) and by substituting instead the word "revenue".

SECTION 61. Tennessee Code Annotated, Section 55-4-276, is amended by deleting the words "of safety" in subdivision (b)(2).

SECTION 62. Tennessee Code Annotated, Section 55-4-281, is amended by deleting the words "motor vehicle titling and registration" in subsection (c) and by substituting instead the words "department's taxpayer and vehicle services".

SECTION 63. Tennessee Code Annotated, Section 55-4-288, is amended by deleting the words "of safety" in subdivision (b)(2);

and is further amended by deleting the words "of safety" in subsection (c).

SECTION 64. Tennessee Code Annotated, Section 55-4-501, is amended by deleting subsections (1) and (2) in their entirety and by deleting the numeric designation of the remaining subsection.

SECTION 65. Tennessee Code Annotated, Section 55-4-601, is amended by deleting the words "division of motor vehicles" in the third sentence thereof and by substituting instead the word "department".

SECTION 66. Tennessee Code Annotated, Section 55-5-103, is amended by inserting the words "of safety" between the word "commissioner" and the word "shall" in the first and second sentences of subdivision (a) (2);

and is further amended by inserting the words "of safety" immediately after the word "department" in subdivision (b)(1), and between the word "department" and the word "shall" in subdivision (b)(2);

and is further amended by deleting the words "division of motor vehicles" in subdivision (b)(2), and by substituting instead the words "Department of Revenue";

and is further amended by deleting the word "division" appearing immediately before the word "upon" in subdivision (b)(2), and by substituting instead the words "Department of Revenue";

and is further amended by deleting the word "division" in subsection (c) and by substituting instead the words "Department of Revenue";

and is further amended by inserting the words "of safety" between the word "department" and the word "and" in subsection (c).

SECTION 67. Tennessee Code Annotated, Section 55-5-108, is amended by inserting the words "of Revenue or the Commissioner of Safety" immediately after the word "commissioner" in subdivision (a)(3);

and is further amended by inserting the words "of safety" between the word "commissioner" and the word "or" in the last sentence of subdivision (b)(1);

and is further amended by inserting the words "of safety" immediately after the word "department" and between the word "commissioner" and the word "or" in the first sentence of subdivision (b)(2);

and is further amended by inserting the words "of safety" between the word "commissioner" and the word "or" in the second sentence of subdivision (b)(2);

and is further amended by inserting the words "of safety" immediately after the word "department" each time that it appears in the last sentence of subdivision (b)(2);

and is further amended by inserting the words "of safety" between the word "commissioner" and the word "or" in the first sentence of subdivision (b)(3);

and is further amended by inserting the words "of safety" between the word "department" and the word "shall" in the first sentence of subdivision (b)(3), and between the word "department" and the word "is" in the third sentence of subdivision (b)(3);

and is further amended by inserting the words "of safety" between the word "commissioner" and the word "or" each time such words appear in the first sentence of subdivision (b)(4);

and is further amended by inserting the words "of safety" between the word "commissioner" and the word "may" in the third sentence of subdivision (b)(4);

and is further amended by inserting the words "of safety" between the word "commissioner" and the word "or" in the fourth sentence of subdivision (b)(4);

and is further amended by inserting the words "of safety" between the word "commissioner" and the word "or" in the first sentence of subdivision (b)(5);

and is further amended by inserting the words "of safety" immediately after the word "commissioner" and between the word "department" and the word "shall" in the second sentence of subdivision (b)(5);

and is further amended by inserting the words "of safety" between the word "department" and the word "or" in subdivision (b)(7).

SECTION 68. Tennessee Code Annotated, Section 55-5-112, is amended by deleting the word "division" in subsection (a) and by substituting instead the word "department".

SECTION 69. Tennessee Code Annotated, Section 55-5-114, is amended by inserting the words "of safety" immediately after the word "commissioner" in the first sentence of subsection (a) and between the word "department" and the word "charged" in the last sentence of subsection (a);

and is further amended by deleting the word "department's" in subdivision (c)(3) and substituting instead the words and punctuation "department of safety's";

and is further amended by inserting the words "of safety" between the word "commissioner" and the word "commits" in subsection (e);

and is further amended by inserting the words "of safety" immediately after the word "department" in the last sentence of subsection (g) and immediately after the word "commissioner" each time it appears in the last sentence of subsection (g).

SECTION 70. Tennessee Code Annotated, Section 55-5-116, is amended by deleting the word "division" in subsection (1) and by substituting instead the word "department".

SECTION 71. Tennessee Code Annotated, Section 55-5-119, is amended by deleting the language in subsection (c) in its entirety and by substituting instead the following new language:

The action of the department in suspending, revoking or canceling any registration, certificate of registration, registration plate or plates, permit or special plate shall be reviewed in the manner provided for in § 67-1-105 and Title 4, Chapter 5, Part 3; provided, that the party aggrieved thereby makes a written request for a formal hearing under the Uniform Administrative Procedures Act within ten (10) days of the action complained of.

SECTION 72. Tennessee Code Annotated, Section 55-5-126, is amended by deleting the word "division" in subsection (a) and by substituting instead the word "department".

SECTION 73. Tennessee Code Annotated, Section 55-5-202(7), is amended by deleting the words "any other state title and registration division" in subdivision (B) and by substituting instead the words "the Department of Revenue".

SECTION 74. Tennessee Code Annotated, Section 55-6-101, is amended by deleting the words "division of motor vehicles" in subsection (a) and by substituting instead the words "Department of Revenue with regard to services pertaining to the titling and registration of motor vehicles";

and is further amended by deleting the word "division" in subdivision (a)(2) and by substituting instead the word "department";

and is further amended by deleting the words "division of motor vehicles" in subsection (b) and by substituting instead the words "Department of Revenue";

and is further amended by deleting the words "of safety" in subdivision (c)(1).

SECTION 75. Tennessee Code Annotated, Section 55-6-102, is amended by deleting the word "division" in subsections (a), (b) and in the first sentence of subsection (c) and by substituting instead the word "department" in each instance.

SECTION 76. Tennessee Code Annotated, Section 55-6-105, is amended by deleting the language in subdivision (a)(4) in its entirety and by substituting instead the following new language:

Distribute the registration plates which shall be provided by the department, and keep a complete record of all motor vehicles registered in the clerk's county;

and is further amended by deleting the word "division" in subdivisions (a)(5), (a)(6) and in the first sentence of subsection (b) and by substituting instead the word "department" in each instance.

SECTION 77. Tennessee Code Annotated, Section 55-12-102, is amended by deleting the language in subsection (3) in its entirety and by substituting instead the following new language:

Unless otherwise indicated or unless the context otherwise requires, "commissioner" means the Commissioner of Safety.

SECTION 78. Tennessee Code Annotated, Section 55-12-103, is amended by deleting the word "The" at the beginning of the first sentence of subsection (a) and by substituting instead the words and punctuation "Except as otherwise specifically provided, the".

SECTION 79. Tennessee Code Annotated, Section 55-12-104, is amended by deleting the language in subsection (c) in its entirety and by substituting instead the following new language:

If a report of the accident is not received by the Commissioner of Safety within twenty (20) days, as required by subsection (a) above, the commissioner may issue a notice of suspension of the operator's license and, immediately upon request by the Commissioner of Safety, the Commissioner of Revenue shall issue a notice of suspension of the registration of the motor vehicle involved. Notices of the suspension of the operator's license and the motor vehicle's registration shall be sent by United States mail not less than twenty (20) days prior to the effective date of suspension. Each notice shall state that the vehicle's operator or owner, or both, are entitled to an administrative hearing held by the Commissioner of Safety, or the commissioner's delegate, pursuant to a request under the provisions of § 55-12-103(a). The Commissioner of Safety shall suspend the license or nonresident operating privileges, and shall request that the Commissioner of Revenue suspend the motor vehicle registration of any person involved in an accident as a motor vehicle operator or owner in this state who willfully fails, refuses or neglects to make or have filed in such person's behalf, an accident report. A person whose motor vehicle operating privileges have been so

suspended may obtain restoration of driving privileges by filing a report of the accident and paying a restoration fee of twenty-five dollars (\$25.00) to the Commissioner of Safety. If the registration of the motor vehicle involved in the accident has been suspended, upon receipt of such payment, the Commissioner of Safety shall request that the Commissioner of Revenue reinstate the motor vehicle owner's registration and, upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registration shall be reinstated immediately.

and is further amended by deleting the language in subsection (e) in its entirety and by substituting instead the following new language:

At any time after five (5) years from the date of suspension, the Department of Safety may, in its own discretion, or upon request of the person required to file an accident report, withdraw the suspension of the driver's operating privileges and the Commissioner of Revenue, upon request by the Commissioner of Safety and upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, shall immediately reinstate the motor vehicle owner's registration; provided, that the records of the Department of Safety establish that the person, during the preceding five (5) years, has not been convicted of any offense authorizing or requiring suspension, revocation, prohibition, or cancellation of license or registration upon order of the department or a court arising from a conviction for a violation of the law.

SECTION 80. Tennessee Code Annotated, Section 55-12-105, is amended by inserting the words "shall request the Commissioner of Revenue to immediately revoke" between the word "and" and the word "all" in subsection (a);

and is further amended by inserting the words "by the Commissioner of Safety or the commissioner's delegate" between the word "conducted" and the word "pursuant" in the first sentence of subsection (c).

SECTION 81. Tennessee Code Annotated, Section 55-12-108, is amended by adding the following new subsection (c):

(c) If a motor vehicle operator or owner has met the requirements set forth in subsection (a) above to have the registration of a motor vehicle reinstated, the Commissioner of Revenue, upon request of the Commissioner of Safety and upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, shall immediately make such reinstatement.

SECTION 82. Tennessee Code Annotated, Section 55-12-109, is amended by inserting the words "immediately upon request by the Commissioner of Safety, the Commissioner of Revenue shall suspend or revoke" between the word "and" and the word "all" in the first sentence of subsection (b);

and is further amended by inserting the words "the Commissioner of Safety" between the word "furnishes" and the word "evidence" in the last sentence of subsection (b);

and is further amended by inserting the words "to the Commissioner of Safety" immediately after the word "fee" in the last sentence of subsection (b);

and is further amended by adding the following new sentence at the end of subsection (b):

If the motor vehicle operator or owner has met the requirements set forth in this subsection (b) to have the registration of a motor vehicle reinstated, the Commissioner of Revenue, upon request of the Commissioner of Safety and upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, shall immediately make such reinstatement.

and is further amended by deleting the language in subsection (c) in its entirety and by substituting instead the following new language:

At any time after five (5) years from the date of revocation, the Department of Safety may, in its own discretion, or upon request of the person required to furnish proof of financial responsibility, release the requirement of such proof if the records of the Department of Safety establish that the person, during the preceding five (5) year period, has not been convicted of any offense authorizing or requiring the suspension or revocation, of a license or registration by the Department of Safety, the Department of Revenue or a court arising from a conviction for a violation of the law. If the Department of Safety, pursuant to this subsection (c), releases the requirement that a person furnish proof of financial responsibility, and if such person's motor vehicle registration has been revoked or suspended due to failure to furnish such proof, then the Commissioner of Safety shall request that the Commissioner of Revenue reinstate the motor vehicle owner's registration and, upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registration shall be reinstated immediately. Notwithstanding any other law to the contrary, the provisions of this subsection (c) shall not apply if there is an unsatisfied judgment based on a motor vehicle accident.

SECTION 83. Tennessee Code Annotated, Section 55-12-114, is amended by deleting the language in subsection (a) in its entirety and by substituting instead the following new language:

Whenever the Commissioner of Safety, under any law of this state, suspends or revokes the license of any person by reason of a conviction, then the Commissioner of Safety shall request that the Commissioner of Revenue suspend or revoke all registrations in the name of such person and such registrations shall be suspended or revoked immediately; provided, that the registrations in the name of such

person shall not be suspended, unless otherwise required by law, if such person has previously given or shall immediately give and shall maintain for three (3) years, proof of financial responsibility.

and is further amended by adding the following new sentence at the end of subsection (c):

Upon restoration of a person's license, the Commissioner of Safety shall request that the Commissioner of Revenue reinstate the motor vehicle owner's registration and, upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registration shall be reinstated immediately.

and is further amended by deleting the language in subsection (d) in its entirety and by substituting instead the following new language:

At any time after five (5) years from the date of revocation, the Department of Safety may, in its own discretion, or upon request of the person required to furnish proof of financial responsibility, release the requirement of such proof if the records of the Department of Safety establish that the person, during the preceding five (5) year period, has not been convicted of any offense authorizing or requiring the suspension or revocation, of a license or registration by the Department of Safety or by the Department of Revenue, and has not suffered suspension, revocation, prohibition, or cancellation of license as ordered by the Department of Safety or by a court. If the Department of Safety, pursuant to this subsection (d), releases the requirement that a person furnish proof of financial responsibility, and if such person's motor vehicle registration has been suspended or revoked due to failure to furnish such proof, then the Commissioner of Safety shall request that the Commissioner of Revenue reinstate the motor vehicle owner's registration and, upon payment of the appropriate motor vehicle registration fees to the Commissioner of Revenue provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registration shall be reinstated immediately. Notwithstanding any other law to the contrary, the provisions of this subsection (d) shall not apply if there is an unsatisfied judgment based on a motor vehicle accident.

SECTION 84. Tennessee Code Annotated, Section 55-12-116, is amended by adding the following new sentence at the end of subsection (a):

Upon restoration of a person's license, the Commissioner of Safety shall request that the Commissioner of Revenue reinstate the motor vehicle owner's registration and, upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registration shall be reinstated immediately.

and is further amended by deleting the language in subsection (b) in its entirety and by substituting instead the following new language:

At any time after five (5) years from the date of revocation, the Department of Safety may, in its own discretion, or upon request of the person required to furnish proof of financial responsibility, release the requirement of such proof if the records of the Department of Safety establish that the person, during the preceding five (5) year period, has not been convicted of any offense authorizing or requiring the suspension or revocation, of a license or registration by the Department of Safety or the Department of Revenue, and has not suffered suspension, revocation, prohibition, or cancellation of license or registration arising from a conviction or a violation of law as ordered by the department or a court. If the Department of Safety, pursuant to this subsection (b), releases the requirement that a person furnish proof of financial responsibility, and if such person's motor vehicle registration has been suspended or revoked due to failure to furnish such proof, then the Commissioner of Safety shall request that the Commissioner of Revenue reinstate the motor vehicle owner's registration and, upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registration shall be reinstated immediately. Notwithstanding any other law to the contrary, the provisions of this subsection (b) shall not apply if there is an unsatisfied judgment based on a motor vehicle accident.

SECTION 85. Tennessee Code Annotated, Section 55-12-117, is amended by deleting the language in subsections (a) and (b) in its entirety and by substituting instead the following new language:

(a) Whenever, by reason of a conviction, the Commissioner of Safety suspends or revokes a nonresident's operating privileges in this state, or requests that the Commissioner of Revenue suspend or revoke such person's registration privileges, such privileges shall remain so suspended or revoked as permitted under the motor vehicle laws of this state until such person shall immediately give, and maintain for three (3) years, proof of financial responsibility as required by § 55-12-126 and pay to the Commissioner of Safety a sixty-five dollar (\$65.00) restoration fee. Upon restoration of such person's license, the Commissioner of Safety shall request that the Commissioner of Revenue reinstate such person's motor vehicle owner's registration and, upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registration shall be reinstated immediately.

(b) At any time after five (5) years from the date of revocation, the Department of Safety may, in its own discretion, or upon request of the person required to furnish proof of financial responsibility, release the requirement of such proof if the records of the Department of Safety establish that the person, during the preceding five (5) year period, has not been convicted of any offense authorizing or requiring the suspension or revocation, of a license or registration by the Department of Safety or by the Department of Revenue and has not suffered suspension, revocation, prohibition, or cancellation of license or registration arising from a conviction or a violation of law as ordered by the department or a

court. If the Department of Safety, pursuant to this subsection (b), releases the requirement that a person furnish proof of financial responsibility, and if such person's motor vehicle registration has been suspended or revoked due to failure to furnish such proof, then the Commissioner of Safety shall request that the Commissioner of Revenue reinstate the motor vehicle owner's registration and, upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registration shall be reinstated immediately. Notwithstanding any other law to the contrary, the provisions of this subsection (b) shall not apply if there is an unsatisfied judgment based on a motor vehicle accident.

SECTION 86. Tennessee Code Annotated, Section 55-12-118, is amended by deleting the language in subsection (a) in its entirety and by substituting instead the following new language:

Upon receipt of a certified copy of final judgment, the Commissioner of Safety shall forthwith revoke the operator's license of any resident of this state and any nonresident's operating privileges in this state against whom judgment is rendered, if the same shall not be paid within sixty (60) days from the date of final judgment, and no restriction as to time based upon the commissioner's authority elsewhere in this chapter shall be a bar to such action under the authority of this section; provided, that any judgment paid to the extent of the limits of financial responsibility specified in § 55-12-102 shall, for the purpose of this section, be considered paid. Immediately upon request by the Commissioner of Safety, the Commissioner of Revenue shall revoke all the motor vehicle registrations of any resident or nonresident against whom such judgment is rendered, if the same shall not be paid within sixty days from the date of final judgment.

and is further amended by adding the following new sentence at the end of subsection (c):

If the Department of Safety, pursuant to this subsection (c), reinstates a person's operator's license that has been revoked under the authority of this section, then the Commissioner of Safety shall request that the Commissioner of Revenue reinstate such person's motor vehicle registrations revoked under authority of this section and, upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registrations shall be reinstated immediately.

SECTION 87. Tennessee Code Annotated, Section 55-12-125, is amended by deleting the language in subdivision (a)(3) in its entirety and by substituting instead the following new language:

If the license of a person who has given proof is surrendered to the Commissioner of Safety and such person's registration is surrendered to the Commissioner of Revenue.

and is further amended by deleting the language in subsection (c) in its entirety and by substituting instead the following new language:

If a person whose proof has been cancelled or returned under subdivision (a)(1) applies to the Commissioner of Safety for a license within a period of three (3) years from the date such proof was originally required, the Commissioner of Safety shall refuse the application and shall request that the Commissioner of Revenue refuse any registration application, unless the applicant shall reestablish such proof for the remainder of such three (3) year period.

SECTION 88. Tennessee Code Annotated, Section 55-12-126, is amended by deleting the first sentence of subsection (b) and by substituting instead the following new sentence:

If a policy of insurance or a bond required under this section and issued to any person is cancelled or terminated, the Commissioner of Safety shall suspend the license of such person and shall request that the Commissioner of Revenue suspend such person's motor vehicle registration, unless the person has filed proof of another policy or bond meeting the requirements of this chapter, and the license of such person shall immediately be surrendered to the Commissioner of Safety and such person's motor vehicle registration shall immediately be surrendered to the Commissioner of Revenue.

and is further amended by inserting the words "before the Commissioner of Safety or the commissioner's delegate" between the word "hearing" and the word "conducted" in the second sentence of subsection (b);

and is further amended by deleting the language in subsections (c) and (d) in their entirety and by substituting instead the following new language:

(c) Any person whose license or registration, or both, has been suspended for failure to maintain evidence of financial responsibility shall, upon reapplying for an operator's license, refile and maintain with the commissioner evidence of financial responsibility, pay a sixty-five dollar (\$65.00) restoration fee and pass the driver license examination. If the Commissioner of Safety, pursuant to this subsection (c), reinstates a person's operator's license that has been suspended under the authority of this section, then the Commissioner of Safety shall request that the Commissioner of Revenue reinstate such person's motor vehicle registration revoked under authority of this section and, upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registration shall be reinstated immediately.

(d) At any time after five (5) years from the date of revocation, the Department of Safety may, in its own discretion, or upon request of the person required to furnish proof of financial responsibility, release the requirement of such proof if the records of the Department of Safety establish that the person, during the preceding five (5) year period, has

not been convicted of any offense authorizing or requiring the suspension or revocation of a license or registration by the Department of Safety or by the Department of Revenue and has not suffered suspension, revocation, prohibition, or cancellation of license or registration upon order of the department or a court arising from a conviction of a violation of the law. If the Department of Safety, pursuant to this subsection (d), releases the requirement that a person furnish proof of financial responsibility, and if such person's motor vehicle registration has been suspended or revoked due to failure to furnish such proof, then the Commissioner of Safety shall request that the Commissioner of Revenue reinstate the motor vehicle owner's registration and, upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registration shall be reinstated immediately. Notwithstanding any other law to the contrary, the provisions of this subsection (d) shall not apply if there is an unsatisfied judgment based on a motor vehicle accident.

SECTION 89. Tennessee Code Annotated, Section 55-12-127, is amended by deleting the words "surrender license and registration to the commissioner" at the end of the first sentence of subsection (a) and by substituting instead the words "surrender such person's operator's license to the Commissioner of Safety and surrender such person's motor vehicle registration to the Commissioner of Revenue";

and is further amended by deleting the second sentence in subsection (a) in its entirety and by substituting instead the following new sentence:

If any person fails to return to the Commissioner of Safety such person's license, or to return to the Commissioner of Revenue such person's registration, as provided herein, the Commissioner of Safety, shall forthwith direct any peace officer or enforcement officer of the Department of Safety to secure possession thereof and to return the same to the Department of Safety in the case of a license, or to the Department of Revenue in the case of a registration.

and is further amended by inserting the words "of Safety or the Commissioner of Revenue" between the word "commissioner" and the word "as" in the third sentence of subsection (a);

and is further amended by deleting the fourth sentence of subsection (a) and by substituting instead the following new sentence:

All such confiscated licenses shall be immediately forwarded to the Commissioner of Safety and all such confiscated registrations and plates shall be immediately forwarded to the Commissioner of Revenue together with the completed notification of service of the order.

and is further amended by inserting the words "of safety" between the word "department" and the word "a" in the second sentence of subsection (b);

and is further amended by inserting the following new sentence immediately after the second sentence of subsection (b):

If the Department of Safety, pursuant to this subsection (b), reinstates a person's license, and if such person's motor vehicle registration has been cancelled, suspended or revoked as required by subsection (a), then the Commissioner of Safety shall request that the Commissioner of Revenue reinstate the motor vehicle owner's registration and, upon payment to the Commissioner of Revenue of the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113, such registration shall be reinstated immediately.

SECTION 90. Tennessee Code Annotated, Section 55-12-129, is amended by inserting the words "of safety" between the word "commissioner" and the word "a" in the first sentence of subsection (a);

and is further amended by adding the following new sentence at the end of subsection (a):

In addition, whenever the Commissioner of Safety requests that the Commissioner of Revenue reinstate the motor vehicle registration of a person who has filed proof of financial responsibility, such person shall first pay to the Commissioner of Revenue the appropriate motor vehicle registration fees provided by §§ 55-4-111, 55-4-112 or 55-4-113 for each registration reinstated and the Commissioner of Revenue shall then reinstate each registration immediately.

and is further amended by deleting the language in subsection (e) in its entirety and substituting instead the following new language:

Fees paid to the Department of Safety pursuant to this title shall be expendable receipts to be used by the Commissioner of Safety towards the cost of administering the provisions of this title.

SECTION 91. Tennessee Code Annotated, Section 55-12-130, is amended by inserting the words "for the Commissioner of Revenue" between the word "unlawful" and the word "to" in subsection (a);

and is further amended by inserting the words "of safety" immediately after the word "commissioner" each time it appears in subsection (a);

and is further amended by deleting the second sentence of subsection (c) in its entirety and by substituting instead the following new sentence:

It is also a Class C misdemeanor to fail or refuse to surrender upon demand any revoked license to the Department of Safety or any revoked registration to the Department of Revenue.

SECTION 92. Tennessee Code Annotated, Section 55-12-134, is amended by deleting the words "registration or" appearing therein and by adding the following new language as the final sentence thereof:

If the Commissioner of Safety suspends a person's license for failure to provide proof of financial responsibility as provided herein, the Commissioner of Safety shall also request that the Commissioner of Revenue suspend such person's motor vehicle registration pending the filing of such proof.

SECTION 93. Tennessee Code Annotated, Section 55-12-140, is amended by deleting the words "the commissioner of safety" in the last sentence of subsection (a) and by substituting instead the words and punctuation "upon request by the Commissioner of Safety, the Commissioner of Revenue".

SECTION 94. Tennessee Code Annotated, Section 55-17-114(b)(1), is amended by inserting two new, appropriately designated subdivisions as follows:

() possesses an executed certificate of title without the name of the transferee appearing thereon.

() issues more temporary plates than allowed by law or fails to maintain a record of the issuance of temporary plates.

SECTION 95. Tennessee Code Annotated, Section 55-21-102, is amended by adding the following new subsections, designated as subsections (1) and (2) respectively, and by renumbering the remaining subsections accordingly:

(1) "Commissioner" means the Commissioner of Revenue unless otherwise indicated or unless the context otherwise requires;

(2) "Department" means the Department of Revenue unless otherwise indicated or unless the context otherwise requires;

SECTION 96. Tennessee Code Annotated, Section 55-21-109, is amended by deleting the words "of safety" in the first sentence thereof.

SECTION 97. Tennessee Code Annotated, Section 65-15-101, is amended by deleting the language of the section in its entirety and by substituting instead the following:

(a) It is declared that the legislation contained in this part is enacted for the sole purpose of promoting and conserving the interest and convenience of the public by conferring upon the Department of Revenue and the Department of Safety the power and authority, and making it the duty of the Department of Revenue and the Department of Safety to supervise and regulate the transportation of persons and property by motor vehicle over or upon the public highways of this state, and to supervise and regulate certain businesses closely allied with such motor transportation, so as to;

(1) Regulate, foster, promote and preserve proper and economically sound transportation and authorize and permit proper coordination of all transportation facilities;

(2) Relieve existing and future undue burdens upon the highways arising by reason of their use by motor vehicles;

(3) Protect the welfare and safety of the traveling and shipping public in their use of the highways, and in their contact with the agencies of motor transportation and allied occupations; and

(4) Protect the property of the state and its highways from unreasonable, improper or excessive use.

(b) It is the intent of the general assembly that the State of Tennessee participate in the unified carrier registration system beginning with the date that it is established by the Secretary of the United States Department of Transportation in accordance with 49 U.S.C. 13908. Pursuant to this intent, the Commissioner of Revenue is authorized to participate in the unified carrier registration plan and agreement established in accordance with 49 U.S.C. 14504a, as amended, and to file on behalf of this state the plan required by 49 U.S.C. 14504a(e).

(c) Notwithstanding any other law to the contrary, on and after the date on which the Secretary of the United States Department of Transportation establishes the unified carrier registration system in accordance with 49 U.S.C. 13908, as amended, no foreign or domestic motor carrier, motor private carrier, leasing company, broker or freight forwarder, as defined in Title 49 of the United States Code, shall operate any motor vehicles on the highways of this state without first registering with a base state under the unified carrier registration system and paying all fees required under the federal Unified Carrier Registration Act of 2005.

(d) Notwithstanding any other law to the contrary, on and after the date on which the Secretary of the United States Department of Transportation establishes the unified carrier registration system in accordance with 49 U.S.C. 13908, as amended, the Commissioner of Revenue shall follow rules governing the unified carrier registration agreement issued under the unified carrier registration plan by its board of directors. The commissioner shall follow rules and collect fee assessments set by the federal Secretary of Transportation from foreign and domestic motor carriers, motor private carriers, leasing companies, brokers, and freight forwarders, and do all things necessary to enable this state to participate in the federal unified carrier registration agreement pursuant to the federal Unified Carrier Registration Act of 2005.

SECTION 98. Tennessee Code Annotated, Section 65-15-102, is amended by adding the following new appropriately numbered subsection and by renumbering the remaining subsections accordingly:

() "Commissioner" means the Tennessee Commissioner of Revenue unless otherwise indicated or unless the context otherwise requires.

and is further amended by deleting the language in subsection (4) in its entirety and by substituting instead the following new language:

"Department" means the Tennessee Department of Revenue unless otherwise indicated or unless the context otherwise requires.

SECTION 99. Tennessee Code Annotated, Section 65-15-103, is amended by inserting the words "of safety" between the word "department" and the word "may" each time such words shall appear in subdivision (a)(9);

and is further amended by inserting the words "of safety" immediately after the word "department" each time such word shall appear in subdivision (a)(16);

and is further amended by inserting the words "of safety" between the word "department" and the word "may" and the word "department" and the word "is" in subdivision (a)(19);

and is further amended by inserting the words "of safety" between the word "department" and the word "may" in subsection (b).

SECTION 100. Tennessee Code Annotated, Section 65-15-106, is amended by inserting the words "of safety" between the word "department" and the word "is" in subsection (a);

and is further amended by inserting the words "of safety" immediately after the word "department" each time it shall appear in subdivisions (b)(1) and (b)(5);

and is further amended by deleting the words "motor carrier division" each time such words shall appear in subdivision (c)(1) and by substituting instead the words "Department of Safety";

and is further amended by inserting the words "of safety" immediately after the word "department" each time it shall appear in subdivision (c)(2) and (c)(3);

and is further amended by inserting the words "of safety" between the word "department" and the word "now" in subsection (d).

SECTION 101. Tennessee Code Annotated, Section 65-15-113, is amended by inserting the words "of safety" immediately after the word "department" each time it shall appear in subsections (a) and (b);

and is further amended by deleting the words and punctuation "department's" in subsection (d) and by substituting instead the words and punctuation "Department of Safety's";

and is further amended by inserting the words "of safety" immediately after the word "department" each time it shall appear in subdivisions (e)(1) and (e)(2).

SECTION 102. Tennessee Code Annotated, Section 65-15-116, is amended by inserting the words "to the Department of Safety" immediately after the word "fee" at the end of the first sentence of subdivision (a)(1);

and is further amended by deleting the language in the last sentence of subdivision (a)(2) in its entirety and by substituting instead the following new language:

This fee shall be remitted to the Department of Revenue and shall be paid over to the Department of Safety for use in accordance with the provisions of this section.

and is further amended by deleting the language in the first sentence of subsection (b) in its entirety and by substituting instead the following new language:

It is the duty of the Department of Safety to keep separate account of the safety inspection fees paid over to it by the Department of Revenue and to segregate them in an account to be known as the "motor vehicle account".

and is further amended by deleting the language in subsection (c) in its entirety and by substituting instead the following new language:

The Department of Revenue shall not issue or renew a certificate of registration or permit for any freight motor vehicle that fails to pay the annual safety inspection fee.

and is further amended by inserting the words "by the Department of Safety" between the word "levied" and the word "as" and between the word "collected" and the word "under" in subsection (e).

SECTION 103. Tennessee Code Annotated, Section 65-15-122, is amended by inserting the words "of safety" between the word "department" and the word "is" in the second sentence of subsection (b);

and is further amended by deleting the language in the last sentence of subsection (b) in its entirety and by substituting instead the following new language:

The fact that there may have been a prosecution for the violation of any such order, decision, rule or regulation, etc., of the Department of Safety under this section, does not operate to prevent or limit the Commissioner of Safety from requesting that the Commissioner of Revenue, suspend or revoke the interstate permit and/or intrastate permit as provided in this part and, upon receipt of such a request from the Commissioner of Safety, the Commissioner of Revenue shall immediately make the suspension or revocation requested.

SECTION 104. Tennessee Code Annotated, Section 65-15-126, is amended by inserting the words "of safety" immediately after the word "department" each time it shall appear in subdivision (c)(2);

and is further amended by inserting the words "of safety" immediately after the word "department" the first time that it appears in the second sentence of subdivision (c)(3);

and is further amended by inserting the words "of safety" between the word "department" and the word "is" in subdivision (f)(1);

and is further amended by inserting the words "of safety" between the word "department" and the word "under" in subdivision (f)(2).

SECTION 105. Tennessee Code Annotated, Section 65-15-127, is amended by inserting the words "of safety" immediately after the word "department" each time it shall appear in subdivisions (a), (b), (c) and (d).

SECTION 106. Tennessee Code Annotated, Section 67-3-1202, is amended by deleting the words "of safety" in the first sentence of subsection (a).

SECTION 107. Tennessee Code Annotated, Section 67-3-1203, is amended by deleting the words "of safety" in the first sentence of subsection (a).

SECTION 108. Tennessee Code Annotated, Section 67-3-1205, is amended by deleting the words "of safety" wherever they appear in subdivisions (b)(3), (c)(1) and (c)(4).

SECTION 109. Tennessee Code Annotated, Section 67-3-1210, is amended by deleting subsection (e) in its entirety.

SECTION 110. Tennessee Code Annotated, Section 67-1-1702, is amended by designating the existing language as subsection (a) and by adding the following new language designated as subsection (b):

(b) Notwithstanding any other provision of law to the contrary, the confidentiality and disclosure of any record or document pertaining to a motor vehicle registration or motor vehicle title for which the department has responsibility under Title 55, Chapters 1 through 6; Title 65, Chapter 15; or any other applicable statute shall be controlled by the provisions of § 55-25-101, et seq.

SECTION 111. Tennessee Code Annotated, § 55-25-103, is amended by adding the following as new, appropriately numbered subdivisions and by renumbering the existing subdivisions accordingly:

() "Highly restricted personal information" means an individual's photograph or image, social security number, medical or disability information.

() "Express consent" means consent in writing, including consent conveyed electronically that bears an electronic signature as defined in Title 15 U.S.C. § 7006(5).

SECTION 112. Tennessee Code Annotated, Section 55-25-107, is amended by deleting the language therein in its entirety and by substituting instead the following new language:

(a) The department, or any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity:

(1) Personal information about any individual obtained by the department in connection with a motor vehicle record, except as provided in this section; or

(2) Highly restricted personal information about any individual obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom such information applies, except uses permitted in subdivisions (b)(1), (b)(4), (b)(6), and (b)(9); provided, however, that this subdivision (a)(2) shall not in any way affect the administration of organ donation initiatives in this state.

(b) Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of Titles I and IV of the federal Anti Car Theft Act of 1992, the federal Automobile Information Disclosure Act found in Title 15 U.S.C. 1231, et seq., the federal Clean Air Act of 1992 found in Title 42 U.S.C. 7401, et seq., and Title 49 U.S.C. §§ 30101, et seq., 30501, et seq., 32101 et seq., – 33101, et seq., and, subject to subdivision (a)(2) above, may be disclosed as follows:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only –

(A) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(B) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court.

(5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under Title 49 U.S.C. §§ 31301, et seq.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For any other use in response to requests for individual motor vehicle records if the state has obtained the express consent of the person to whom such personal information pertains.

(12) For bulk distribution for surveys, marketing or solicitations if the state has obtained the express consent of the person to whom such personal information pertains.

(13) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(14) For any other use specifically authorized under the law of this state, if such use is related to the operation of a motor vehicle or public safety.

(c) An authorized recipient of personal information (except a recipient under subdivision (b)(11) or (12)) may resell or redisclose the information only for use permitted under subsection (b) (but not for uses under subdivision (b)(11) or (12)). An authorized recipient under subdivision (b)(11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b)(12) may resell or redisclose personal information pursuant to subsection (b)(12). Any authorized recipient (except a recipient under subsection (b)(11)) that resells or rediscloses personal information covered by this section must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the Department of Revenue or the Department of Safety upon request.

(d) The Department of Revenue or the Department of Safety may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b) above, may mail a copy of the request to the individual about whom the information was requested, informing such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives their right to privacy under this section.

(e) Under no circumstances may the Department of Revenue or the Department of Safety condition or burden in any way the issuance of an individual's motor vehicle record to obtain express consent for the disclosure of such record. Nothing in this paragraph shall be construed to prohibit the Department of Revenue or the Department of Safety from charging an administrative fee for issuance of a motor vehicle record.

(f) Motor vehicle records, personal information, or highly restricted personal information shall be disclosed to any person by the Department of Revenue or the Department of Safety upon proof of the identity of the person requesting the record or information and representation by such person that the use of the personal information will be strictly limited to one (1) or more of the permitted uses described in this section.

(g) Before issuing motor vehicle records, personal information, or highly restricted personal information, the Department of Revenue or the

Department of Safety may require any person, federal, state, or local governmental agency requesting such information, or each of the requesting entity's contractors, officers or individuals in the employ of such person or governmental agency that will have access to such information, to execute a confidentiality agreement stating that the recipient, or the recipient's contractor, officer or employee, as the case may be, will comply with the confidentiality provisions of this section and will limit the use of such information to those uses specifically permissible under this section.

(h) No person, governmental agency, or contractor, officer or employee thereof who receives information under this section shall disclose such information to any person other than the person to whom it relates, except as otherwise may be authorized by the provisions of this section or other applicable law.

SECTION 113. Tennessee Code Annotated, § 55-25-108, is repealed in its entirety.

SECTION 114. Tennessee Code Annotated, § 55-25-110, is repealed in its entirety.

SECTION 115. Tennessee Code Annotated, Section 55-4-117(a)(2), is amended by deleting the language "one hundred twenty-five (125)" and substituting instead the language "three hundred twenty-five (325)".

SECTION 116. Tennessee Code Annotated, Section 55-4-221(b)(3), is amended by deleting the language "one hundred twenty-five (125)" and substituting instead the language "three hundred twenty-five (325)".

SECTION 117. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 6, 2007


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 21st day of June 2007



PHIL BREDESEN, GOVERNOR